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Human Rights Committee

Concluding observations on the second periodic report of Benin

Addendum

Information received from Benin on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Introduction

1. The present report is submitted in the context of the implementation of the recommendations made to Benin following the presentation of its second periodic report in October–November 2015.

2. It provides information on the action taken by Benin in response to the recommendations made by the Human Rights Committee in paragraphs 9, 19 and 23 of its concluding observations.

3. In accordance with paragraph 38 of the Committee's concluding observations, adopted at its 115th session, Benin was required to provide information on the follow-up given to the above-mentioned recommendations within one year (that is, by 3 November 2016).

4. The report provides an update on developments during the period 2015–2018 that relate to these three recommendations.

Recommendation in paragraph 9

The State party should take all necessary measures to appoint the members of the National Human Rights Commission as soon as possible. It should guarantee the Commission's independence by ensuring that it has financial autonomy and adequate human and material resources to enable it to fulfil its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

5. Following the establishment of the normative framework for the creation of the Benin Human Rights Commission, the following measures have been taken to ensure that it functions effectively.

6. A selection committee has been established to supervise the appointment of the 11 members of the Commission, in accordance with a decision issued by the President of the National Assembly on 17 May 2016.

7. A call for applications was publicized through the media from 23 October to 10 November 2017.

8. The appointment process is under way.

Recommendation in paragraph 19

The State party should adopt the new Criminal Code as soon as possible so as to expressly abolish the death penalty. It should commute death sentences to prison sentences. The State party should take steps to initiate or continue investigations into cases of murder or attempted murder and bring the perpetrators to justice. It should also take stringent measures to punish infanticide. It should raise public awareness of respect for the right to life.

9. Article 8 of the Constitution affirms the sanctity of human beings, while article 15 affirms the right of every individual to life, liberty, security and integrity of person.

10. By decision DCC 16-020 of 21 January 2016, the Constitutional Court ruled that the ratification and subsequent entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, rendered null and void any legal provision imposing the death penalty as a punishment. The process of commuting the sentences of the last 14 persons to be sentenced to death is ongoing.

11. In the National Assembly, the process of adopting the new Criminal Code is continuing through work in committees.

12. With regard to the prevention of infanticide, Beninese positive law has been strengthened by the entry into force of Act No. 2015-08 of 8 December 2015 on the Children's Code of Benin. This crime is penalized under articles 339 to 341. Since 2016, steps have been taken to raise awareness of the Code throughout the national territory.

13. Within the framework of the Project to Improve Access to Justice and Ensure Accountability, co-financed by the national budget and the United Nations Development Programme, the Government, in conjunction with civil society, conducted a national campaign in 2016 to raise awareness of the right to life.

Recommendation in paragraph 23

The State party should adopt the new Criminal Code as soon as possible so as to expressly define and criminalize torture in line with article 7 of the Covenant. It should establish a national observatory for the prevention of torture in addition to an independent mechanism for the systematic consideration of complaints of torture or ill-treatment. The State party should conduct thorough and impartial investigations into all allegations of torture and ill-treatment, including such acts committed between 1972 and 1990, and take the necessary measures in this regard.

14. Torture, abuse and cruel, inhuman or degrading treatment and punishment are prohibited under article 18 of the Constitution. Article 19 provides that individuals or agents of the State who, in the course of performing their duties, commit acts of torture or abuse or inflict cruel, inhuman or degrading treatment, whether on their own initiative or under orders, shall be punished in accordance with the law.

15. These provisions of the Constitution remain in force and are upheld by citizens. Cases of inhuman or degrading treatment are regularly brought before the competent courts, which impose sanctions on the perpetrators.

16. The new version of the Criminal Code that is in the process of being adopted defines and criminalizes torture. Some provisions of Act No. 2012-15 of 18 March 2013 on the Code of Criminal Procedure (arts. 59, 147 and 808, for example) also represent significant progress in ensuring respect for the general principles of criminal justice in the fight against torture. The State and civil society organizations have made efforts to raise awareness of the Code among citizens.

Conclusion

17. Since submitting its second periodic report in October–November 2015, Benin has redoubled its efforts to enhance the enjoyment of human rights. To that end, it is continuing its efforts to set up its national human rights institution, to ensure greater respect for and protection of human life, and to combat prison overcrowding and inhuman and degrading treatment.

18. To the extent that financial resources have permitted it, Benin has taken every necessary step to align its national legislation with the international conventions that it has ratified, and it has developed national and sectoral policies for promoting and protecting human rights.

19. While Benin has made some progress since submitting its second periodic report, it still faces obstacles that make additional resources necessary.

20. Benin therefore calls for international solidarity to support its efforts to carry out major ongoing projects so that it can strengthen its ability to enhance the promotion and protection of human rights.